

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	Falcon School District 49
	)	Billed Entity Number 142299
Requests for Review of	)	Funding Year 2012
Decisions of the	)	Form 471 App. No. 838063
Universal Service Administrator by	)	Funding Request No. 2273735
	)	
Falcon School District 49	)	
	)	
Schools and Libraries Universal Service	)	CC Docket No. 02-6
Support Mechanism	)	

**REQUEST FOR REVIEW**

Falcon School District 49 (“District”), through counsel and pursuant to Sections 54.719(c) and 54.722(a) of the Federal Communications Commission’s (“FCC” or “Commission”) rules, 47 C.F.R. §§ 54.719(c) and 54.722(a), hereby petitions the Commission’s Wireline Competition Bureau for review of an adverse decision by the Universal Service Administrative Company (“USAC”) with respect to the District’s E-Rate Funding Request Number 2273735 for funding year 2012.

**I. Background**

The District serves approximately 15,000 students in 23 schools along the eastern boundaries of Colorado Springs, Colorado. Large portions of the District are rural and largely undeveloped, and at all relevant times, there were a very limited number of providers that were willing to or capable of providing high-speed connectivity to all locations within the District. Further, due to funding rules that disproportionately impact Colorado’s semi-rural school districts, the District is the second lowest funded out of 185 districts in the state. Thus, the loss of funding has and will impose an additional financial

burden on the District and will directly impact the quality and quantity of instructional opportunities for students, particularly since the only E-Rate proposal the District received came from Trillion. In addition, the service provider owns the infrastructure and replicating it would be costly and untenable. The District is obligated to comply with Colorado law and regulations with regard to its procurement practices. In the case of this procurement, the District declares that it complied with all state laws and regulations.

On September 28, 2010, USAC issued a Funding Commitment Decision Letter (“FCDL”) denying the District’s E-Rate applications for funding year 2010.<sup>1</sup> On September 29, 2010, USAC issued a FCDL denying the District’s E-Rate applications for funding year 2009.<sup>2</sup> On October 21, 2010, USAC issued Notification of Commitment Adjustment Letters (“COMADs”) rescinding committed funds for the District’s applications for funding year 2005, 2006, 2007 (Internet Access only) and 2008.<sup>3</sup> On November 4, 2010, USAC issued a COMAD rescinding committed funds for the District’s application for Telecommunications Services support for funding year 2007.<sup>4</sup> All of the FCDLs and COMADs state that the funding requests were rescinded because

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<sup>1</sup> Funding Commitment Reports from USAC, Schools and Libraries Division (dated Sept. 28, 2010) (regarding FY 2010, FCC Form 471 application 717469, FRNs 1950846 and 1950833).

<sup>2</sup> Funding Commitment Reports from USAC, Schools and Libraries Division (dated Sept. 29, 2010) (regarding FY 2009, FCC Form 471 application 662600, FRNs 1809627 and 1809646).

<sup>3</sup> Notification of Commitment Adjustment Letter from USAC, Schools and Libraries Division, to Alfred Green, Falcon School District 49 (dated Oct. 21, 2010) (regarding FY 2005, FCC Form 471 application 466641, FRN 1299916); Notification of Commitment Adjustment Letter from USAC, Schools and Libraries Division (dated Oct. 21, 2010) (regarding FY 2006, FCC Form 471 application 532406, FRNs 1472041 for Internet Access and 1472101 for Telecommunications Services); Notification of Commitment Adjustment Letter from USAC, Schools and Libraries Division, to David Bond, Falcon School District 49 (dated Oct. 21, 2010) (regarding FY 2007, FCC Form 471 application 577449, FRN 1606940 for Internet Access); Notification of Commitment Adjustment Letter from USAC, Schools and Libraries Division (dated Oct. 21, 2010) (regarding FY 2008, FCC Form 471 application 627866, FRNs 1733138 and 1741016).

<sup>4</sup> Notification of Commitment Adjustment Letter from USAC, Schools and Libraries Division (dated Nov. 4, 2010) (regarding FY 2007, FCC Form 471 application 577449, FRN 1606490 for Telecommunications Services).

the District was “offered and accepted gifts, meals, gratuities, or entertainment from the service provider.” USAC has never alleged that the funding requests were being denied because of improper communications between the District and Trillion Partners, Inc. (Trillion).

On November 11, 2010, Trillion filed with the Commission appeals of USAC’s decisions denying the District’s applications and rescinding funding commitments for funding years 2005 through 2010. On November 18, 2010, the District also appealed USAC’s decisions denying the District’s applications and rescinding funding commitments for funding years 2005 through 2010.<sup>5</sup> On February 23, 2012, the FCC’s Telecommunications Access Policy Division issued an Order denying the District’s and Trillion’s appeals (“the Order”).<sup>6</sup> On March 22, 2012, the District and Trillion each filed petitions for reconsideration of the Order.<sup>7</sup> Those petitions for reconsideration remain pending.

On November 29, 2012, USAC issued an FCDL denying the District’s E-Rate application with FRN # 2273735 for funding year 2012 (hereinafter, the “2012 Application”). The FCDL states that the 2012 Application was denied for the following reason:

Consistent with FCC Order DA 12-260, the FCC has determined that your competitive bidding process was flawed due to improper service provider

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<sup>5</sup> Letter from Brad A. Miller, Law Office of Brad A. Miller, counsel to Falcon School District 49, to Federal Communications Commission (dated Nov. 18, 2010) (regarding Form 471 Application Numbers 466641, 717469, 662600, 577449, 627866, 532406) (Falcon’s Appeal) (Attachment A).

<sup>6</sup> *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Charlton County School System, Folkston, Georgia, et al., File Nos. SLD-658765, et al.; Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, DA 12-260, Order, 27 FCC Rcd 2010* (Telecommunications Access Policy Division, 2012) (Order).

<sup>7</sup> Falcon School District 49, Petition for Reconsideration, CC Docket No. 02-6 (filed March 22, 2012) (“Falcon’s Petition for Reconsideration”) (Attachment B); Trillion Partners, Inc., Petition for Reconsideration re Falcon School District 49, CC Docket No. 02-6 (filed March 22, 2012).

involvement in the competitive bidding process that lead to this contract. Therefore, funding is denied.<sup>8</sup>

The 2012 Application arises out of the same competitive bidding processes that is currently under review by the FCC due to USAC's denials and COMADs for funding years 2005 through 2010. As the District has argued in its petition for reconsideration, the competitive bidding process that resulted in the award of a contract to Trillion for funding year 2005 was conducted in a fair and open manner and was not tainted in any way. Thus, FCC erred in the Order denying the appeals for funding years 2005 through 2010 and, therefore, USAC perpetuates this error by relying on the Order to deny the 2012 Application.

## **II. The District Conducted a Fair and Open Competitive Bid Process.**

The Order states: With respect to ... Falcon School District 49 (Falcon), while USAC denied these applicants' funding requests due to receipt of gifts, we find that these applicants violated the Commission's competitive bidding violations [sic] by engaging in improper communications with their service provider...."<sup>9</sup> The Order, however, does not identify the specific communications that it found to be improper and, therefore, the District is unable to address the concerns the Commission has about improper communications. Nevertheless, the District conducted a transparent, open and competitive bid process entirely free from conflicts of interest, inappropriate sharing of information and undue influence.

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<sup>8</sup> Funding Commitment Report from USAC, Schools and Libraries Division (dated November 29, 2012) regarding Falcon School District 49, Funding Year 2012, FCC Form 471 Application No. 838063, Funding Request No. 2273735 (Attachment C).

<sup>9</sup> *Order*, 27 FCC Rcd 2010, ¶ 1, n.1.

On December 14, 2004, the District posted its Form 470 on USAC's website (FCC Form 470 No. 673760000514926) for funding year 2005 describing the types of products and services desired and for which bids would be accepted, including a wireless Wide Area Network (WAN) to connect all locations within the District, as well as Internet access. The District's Form 470 was signed by Al Green, the District's Technology Director, who also served as the District's contact person. The posting of the Form 470 established an allowable contract date of January 11, 2005. Trillion was the only service provider to submit a complete bid in response to the District's Form 470. Other vendors submitted bids only for email and Web hosting services. Qwest expressed some interest in the District's WAN services, but did not submit a proposal. When the District did not receive multiple bids for the WAN services, it asked the other school districts in the region to provide copies of their technology budgets along with pupil counts for comparison purposes.

The competitive bidding process was "fair" because all bidders were treated the same. Trillion did not have advance knowledge of the project information. It is true that Trillion interacted with District personnel to clarify specifications and the existing infrastructure available at the District. However, Mr. Green, on behalf of the District, made himself available and did in fact meet with the representatives of other service providers in order to offer exactly the same insights. Every aspect of the process was conducted in an open and fair manner.

The competitive bidding process was also "open" because none of the information provided either to Trillion or to other prospective bidders was "inside information." The information was freely provided upon request. The information was available to the

broad public pursuant to the Colorado Open Records Act. None of the information provided to any prospective bidder was withheld from any other prospective bidder. For example, Qwest was aware of the District's Form 470 and was entitled to all of the information provided to any other potential bidder. Despite the fact that Qwest did not submit a bid in response to the Form 470, its array of services were described to the Board of Education for the District so that Board members could compare the proposal received from Trillion with Qwest's array of services to ensure the Board had all possible options available to it. Furthermore, the wireless WAN services requested were simple and not susceptible to competitive advantage through "inside information."

Any and all marketing discussions held with Trillion (and other prospective bidders) were neutral. Those communications contain no hint of favoritism and no material communications that could be characterized as influential to the outcome of the competitive bidding process. Certainly, none of the responses by the District to questions by Trillion comprised information that might be described as "inside information" or as data that afforded any "competitive advantage." Each exchange contained only information that was readily available, not only to other bidders, but to the general public. Colorado law requires the District to do no less.

USAC cites to the Order as the basis for denying the 2012 Application. However, the Order erred in concluding, without a review of the District's or Trillion's arguments and evidence, that there was a violation of the Commission's rules. Furthermore, the Order states that the FCC's decision was "consistent with precedent," but the cited cases (Mastermind,<sup>10</sup> Dickenson<sup>11</sup> and Approach Learning<sup>12</sup>) do not support a denial of

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<sup>10</sup> *Request for Review by Mastermind Internet Services, Inc.*, Order, 16 FCC Rcd 4028, 4033 ¶ 10 (2000).

funding on the facts in this case. Those cases address a situation in which an applicant's Form 470 lists a service provider employee as the applicant's contact person. As noted above, the District's Technology Director was the contact person on the Form 470.

### **III. Conclusion**

The competitive bidding process that resulted in the award of a contract to Trillion for funding year 2005 was conducted in a fair and open manner and was not tainted in any way. All bidders were treated the same and none of the information provided to any prospective bidder was withheld from any other prospective bidder. If the goal of a fair and open competition is to secure the best-value service at a market-competitive rate, the service provider selection process conducted by the District most certainly achieved this goal. Furthermore, the Order disposing of other applications subject to the same competitive bidding process (which is subject to petitions for reconsideration) erred in concluding, without a review of the District's or Trillion's arguments and evidence, that there was a violation of the Commission's rules. If not reversed, the loss of funding will be devastating to the District. Therefore, the District respectfully requests grant of the instant Petition for Review with respect to the District's 2012 Application.

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<sup>11</sup> *Request for Review of the Decision of the Universal Service Administrator by Dickenson County Public Schools, Clintwood, Virginia*, Order on Reconsideration, 17 FCC Rcd 15747 (2002).

<sup>12</sup> *Requests for Review of the Decisions of the Universal Service Administrator by Approach Learning and Assessment Center, Santa Ana, CA, et al.*, Order, 22 FCC Rcd 5296, 5303, ¶ 19 (2007).

Respectfully submitted,

**FALCON SCHOOL DISTRICT 49**

By: *// Brad A. Miller //*

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Brad A. Miller  
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5665 Vessey Road  
Colorado Springs, CO 80908  
Tel: 719-338-4189

January 28, 2013

Its Attorney



## **Attachment A**

Letter from Brad A. Miller, Law Office of Brad A. Miller, counsel to Falcon School District 49,  
to Federal Communications Commission (dated Nov. 18, 2010) (regarding Form 471  
Application Numbers 466641, 717469, 662600, 577449, 627866, 532406)

November 18, 2010

Federal Communications Commission

Re: Falcon School District 49

BEN: 142299

Form 471 Application Numbers 466641, 717469, 662600, 577449, 627866, 532406,

Dear Sir or Madam:

I am an attorney representing Falcon School District 49 in Colorado (the "District"). I am writing to appeal USAC's denial of the District's Funding Request Numbers ("FRN's"). This process has encouraged the District to thoroughly review both the history of these contracts and the very processes that undergird all of our contracting efforts. And we thank you for this opportunity to provide the clarification and evidence that will demonstrate that the FRNs should not be denied.

As we understand the basis for the denials, USAC is concerned that the District may have engaged in non-competitive bidding practices and/or may have provided Trillion with inside information and permitted Trillion to influence the procurement process. As you will see, none of these concerns are warranted. In fact, the District conducted a transparent, open and competitive bid process entirely free from conflicts of interest, inappropriate sharing of information and undue influence. The District's process was in no way shaped by improper pressures. It was entirely consistent with every requirement set forth in the E-rate Program rules. The process resulted in competitive rates for the contracted services that are comparable in price and quality of every other school district in the region.

There are a very limited number of providers that are capable of providing high speed connectivity to all locations within Falcon School District. Although portions of the District lie within areas that are fully developed, broad expanses of the District are rural and largely undeveloped. Thus, Qwest, the local exchange carrier (LEC), has only copper connections to the majority of district buildings. This limits the connections they can provide to point-to-point T-1s. In order to achieve high-bandwidth connections, T-1s can be aggregated. However, this quickly becomes prohibitively expensive. A single point-to-point T-1 line even at today's prevailing rates still costs between \$100 and \$300 per month depending on the distances involved. Therefore, even if enough copper pairs were available in a building to provide the bandwidth provided by our Trillion connections, the cost would be between \$13,000 and \$40,000 per month. Our Trillion services is \$1,499 per location per month. In most District buildings, the Qwest service would be limited to approximately 30 Mbps due to the availability of copper pairs versus the 200 Mbps provided by our Trillion service.

Competitive Local Exchange Carriers (CLECs) essentially are limited to reselling Qwest's services as no CLEC has an established cable plant in the majority of the district. The CLEC may provide a more competitive price than Qwest for the same

service, but it would only be a marginally better price, not an order of magnitude better. Other alternatives to traditional service, such as metropolitan ethernet and ethernet over copper, have only recently become available in small portions of the District. Prices on these services obtained by the District since 2007 have shown them to still not be price competitive with our Trillion service due to extensive build-out costs. Another approach that could be effective for some school districts would be to construct their own cable plant to provide service without contracting for the service. The distances involved in Falcon School District would make the cost of such an approach entirely prohibitive. The District encompasses 133 square miles.

Essentially, fixed wireless broadband services such as those provided by Trillion are the only approach of which the District is aware at this time that would allow the District to have a robust high-speed wide area network within the District at a feasible cost. Other providers could potentially be capable of providing this service to the District. However, few have chosen to pursue the business within the District. For that reason, it likely was the case that other service providers determined not to provide bids in response to the District's Form 470 in December, 2004/January, 2005. The District only can speculate as to the motives of other providers, however, support for this speculation is the fact that NO providers offered responsive bids to the District's earlier Form 470s (of which there were several). The only other provider of fixed wireless broadband service that did at one time submit a bid to the District was not able to commit to providing services District-wide and did not offer a price lower than Trillion.

Qwest did express some interest in our WAN bid, but did not submit a proposal. Other vendors provided bids for email services and Web hosting. When the District did not receive multiple bids for the WAN services it asked the other school districts in the region to provide copies of their technology budgets along with pupil counts for comparison purposes (attached).

Additionally, as set forth in the requirements of Step 3 as found on the USAC.org website, the District conducted a fair and open competitive procurement based on a detailed Form 470 which described the types of products and services desired and for which bids would be accepted.

The competitive bidding process was fair and open. It was "fair" because all bidders were treated the same. Trillion did not have advance knowledge of the project information. It is true that Trillion interacted with District personnel to clarify specifications and the existing infrastructure available at the District. However, Mr. Green, on behalf of the District, made himself available and did in fact meet with the representatives of other service providers in order to offer exactly the same insights. As stated above, the District had no ability to control whether other potential bidders offered bids, yet a detailed Form 470, tailored to the technology plans of the District was promulgated and every aspect of the process was conducted in an open manner.

As a note, the District previously provided USAC with information to confirm that no presentations were made to the District's Board of Education by any potential

bidder prior to the contract award after the completion of the 470 waiting period. Board meeting minutes from the relevant time period demonstrate that no presentations were made to the Board of Education prior to the exhaustion of the 28 day waiting period. Thereafter, the only presentation made to the Board of Education was by District staff and the presentation was unbiased and straightforward. District staff offered the Board of Education as broad as possible sets of alternatives prior to the adoption of the contract with Trillion by means of a detailed power-point presentation. Despite the fact that no formal proposal was submitted by Qwest, its services were described to the Board as well.

None of the information provided either to Trillion or to other prospective bidders was “inside information.” The information was freely provided upon request. The information was available to the broad public pursuant to the Colorado Open Records Act. None of the information provided to any prospective bidder was withheld from any other prospective bidder. For example, Qwest was aware of the District’s Form 470 and was entitled to all of the information provided to any other potential bidder. Despite the fact that Qwest did not provide a formal response to the Form 470, its array of services were described to the Board of Education for the District as a comparison to the actual proposal received from Trillion to ensure that the decision was made in view of all possible options. Further, the wireless WAN services requested were simple and not susceptible to competitive advantage through “inside information.” Therefore, pursuant to Step 3 instructions, the process was “open.”

Any and all marketing discussions held with Trillion (and other prospective bidders) were neutral. Please note the tone and content of the email correspondence at issue. The communications contain no hint of favoritism and no material communications that could be characterized as influential to the outcome of the competition. Certainly, none of the responses by the District to questions by Trillion comprise information that might be described as “inside information” or that afforded any “competitive advantage.” Once again, each exchange contained only information that was readily available, not only to other bidders, but to the general public.

As an additional matter, the Form 470 was not generic. The service descriptions were adequate to completely describe the request. The descriptions were based on the District’s technology plan. Again, this Form 470 was in compliance with requirements set forth by USAC. Finally, the District must point out that Form 470 in 2004 contained no requirement in Block 22 that the District certify that it had “not received anything of value ... in connection with this request for services.” Specifically, Form 470 did not contain such a certification in December, 2004. However, the meals and gift cards provided by Trillion both did not impact any decision regarding the award of the subject contracts. There is no evidence that any of the interactions between Trillion and the District prior to the award of the contract was in any way improper or that there was any violation of USAC rules. At the time in question, there was no rule in place that precluded Trillion from meeting with District staff and so there was no violation. Further, there is no evidence or indication that any of those meetings were in any respect

improper, nor is there any evidence that they resulted in favoritism or the exchange of inside information.

Finally, the District wishes to point out that it reasonably relied upon the information that it received from USAC in the initial years of the funding awards (2005-2007) to make business decisions about service providers in the past several years and a decision now to rescind all funding would punish the District for this reasonable reliance.

In summary, if the intent of a fair and open competition is to secure the best-value service at a market-competitive rate, the service provider selection process conducted by the District for Funding Year 2005 clearly had this result. Any argument that the competitive selection process was invalid should first seek to establish that it did not achieve its intended result. There is no assertion made, no documentation provided, and no logical argument that can be constructed that shows that the services that resulted from the process did not provide a best-value solution to Falcon School District at market-competitive rates.

The District respectfully requests that the Federal Communications Commission reconsider USAC's decision to deny the FRNs. Supporting documentation for any of the assertions contained above is available at your request.

Very truly yours,

// Signature on File //

Brad A. Miller

Law Office of Brad A. Miller

5665 Vessey Road

Colorado Springs, CO 80908

719-338-4189

**Attachment B**

Falcon School District 49, Petition for Reconsideration,  
CC Docket No. 02-6 (filed March 22, 2012)

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Requests for Waiver and Review of	)	
Decisions of the	)	
Universal Service Administrator by	)	
	)	
Charlton County School System	)	File Nos. SLD-466641, <i>et al.</i>
Folkston, Georgia, <i>et al.</i>	)	
	)	CC Docket No. 02-6
Schools and Libraries Universal Service	)	
Support Mechanism	)	

**PETITION FOR RECONSIDERATION**

Falcon School District 49 (the “District”) through the undersigned counsel and pursuant to Section 1.106 of the Federal Communications Commission’s (“FCC” or “Commission”) rules,<sup>1</sup> hereby petitions the Telecommunications Access Policy Division (“Division”) of the Commission’s Wireline Competition Bureau for reconsideration of the above-captioned Order.<sup>2</sup> This Petition is filed in conjunction with the Petition for Reconsideration (“Trillion’s Petition”) filed by Trillion Partners, Inc. (“Trillion”) for reconsideration of the above-captioned Order. Trillion has set forth in detail the procedural and factual history of this matter in Trillion’s Petition. The District will not restate that history here and instead incorporates Trillion’s Petition by reference as if fully set forth herein.

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<sup>1</sup> 47 C.F.R. § 1.106.

<sup>2</sup> *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Charlton County School System, Folkston, Georgia, File Nos. SLD-658765, et al.; Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, DA 12-260, Order (Telecommunications Access Policy Division, rel. Feb. 23, 2012) (“Order”).*

On November 18, 2010, the District filed with the Commission an appeal of USAC's decisions denying the District's applications and rescinding funding commitments for funding years 2005 through 2010 (the "Appeal").<sup>3</sup> On February 23, 2010, the Division issued the *Order*, consisting of two-paragraphs, denying the Appeal.<sup>4</sup> The Appeal is incorporated herein by reference.

The competitive bidding process that resulted in the award of a contract to Trillion for funding year 2005 was conducted in a fair and open manner and was not tainted in any way. All bidders were treated the same and none of the information provided to any prospective bidder was withheld from any other prospective bidder. If the goal of a fair and open competition is to secure the best-value service at a market-competitive rate, the service provider selection process conducted by the District most certainly achieved this goal. The *Order* erred in concluding, without a review of the District's or Trillion's arguments and evidence, that there was a violation of the Commission's rules. The loss of funding will be devastating to the District.

For all of the reasons set forth in Trillion's Petition and the Appeal, the District respectfully requests that the Division reconsider the *Order* and grant the Appeal.

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<sup>3</sup> Letter from Brad A. Miller, Law Office of Brad A. Miller, counsel to Falcon School District 49, to Federal Communications Commission (dated Nov. 18, 2010 (regarding Form 471 Application Numbers 466641, 717469, 662600, 577449, 627866, 532406) ("*District's Appeal*").

<sup>4</sup> *Order*, ¶ 1.



Respectfully submitted,

**Falcon School District 49**

By: 

Brad A. Miller  
Law Office of Brad A. Miller  
5665 Vessey Road  
Colorado Springs, CO 80908  
719-338-4189

March 22, 2012

Its Attorney

## Your submission has been accepted

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### Proceeding

Name	Subject
02-6	In the Matter of Schools and Libraries Universal Service Support Mechanism

### Contact Info

**Name of Filer:** Falcon School District 49  
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### Details

**Type of Filing:** PETITION FOR RECONSIDERATION

### Document(s)

File Name	Custom Description	Size
Falcon PFR (filed 3-22-2012).pdf	Falcon School District Petition for Reconsideration	90 KB

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## **Attachment C**

Funding Commitment Report from USAC, Schools and Libraries Division  
(dated November 29, 2012) (regarding Falcon School District 49, Funding Year 2012,  
FCC Form 471 Application No. 838063, Funding Request No. 2273735)

FUNDING COMMITMENT REPORT  
Service Provider Name: Trillion Partners, Inc  
SPIN: 143025872  
Funding Year: 2012



Name of Billed Entity: **FALCON SCHOOL DISTRICT 49**  
Billed Entity Address: 10850 E WOODMEN RD  
Billed Entity City: PEYTON  
Billed Entity State: CO  
Billed Entity Zip Code: 80831-8127  
Billed Entity Number: 142299  
Contact Person's Name: Richard Van Sickle  
Preferred Mode of Contact: EMAIL  
Contact Information: etechco@comcast.net  
**Form 471 Application Number: 838063**  
**Funding Request Number: 2273735**  
Funding Status: Not Funded  
Category of Service: Telecommunications Service  
Form 470 Application Number: 897280000639691  
Contract Number: SA-120307-000892  
Billing Account Number: NA  
Service Start Date: 07/01/2012  
Contract Expiration Date: 06/30/2013  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-Discount Amount for Eligible Recurring Charges: \$337,674.96  
Annual Pre-Discount Amount for Eligible Non-Recurring Charges: \$.00  
Pre-Discount Amount: \$337,674.96  
Applicant's Discount Percentage Approved by SLD: 48%  
**Funding Commitment Decision: \$.00 - Bidding Violation- SRC**  
Funding Commitment Decision Explanation: MR1: The ERN was modified from \$28870.33 monthly to \$28139.58 monthly to agree with the applicant documentation. <><><><><>  
**Consistent with FCC Order DA 12-260, the FCC has determined that your competitive bidding process was flawed due to improper service provider involvement in the competitive bidding process that lead to this contract. Therefore, funding is denied.**  
**FCDL Date: 11/29/2012**  
Wave Number: 019  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2013  
  
Consultant Name: Richard Van Sickle  
Consultant Number (CRN): 16061978  
Consultant Employer: ETECHCO INC